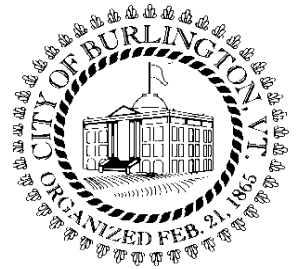


Department of Permitting and Inspections

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MEMORANDUM

To: The Design Advisory Board
From: Ryan Morrison, Associate Planner
RE: 86-88 North Winooski Street; ZPs 21-720 & 21-784
Date: December 14, 2021

Files: ZP21-720 & ZP21-784

Location: 86-88 North Winooski Street

Zone: RM **Ward:** 2C

Parking District: Multi-Modal Mixed Use

Date application accepted: ZP21-720 (October 27, 2021); ZP21-784 (November 18, 2021)

Applicant/ Owner: Nora King (ZP21-720), Michael Alvanos (ZP21-784) / Gerald Leclair

Request: After the fact permit for removing part of the garage portion of the carriage barn (ZP21-720) and request to demolish the remaining carriage barn (ZP21-784). Structure is listed on the Vermont State Register of Historic Resources.

Background:

There are no previous zoning permits on file.

Overview: These are two separate applications for the same property filed by different applicants [as of the date of report preparation, the applicants have agreed to act as one and combine the applications. Moving forward the application will be ZP21-720]. ZP21-720 requests an after the fact zoning permit for the demolition of the historic carriage barn's garage portion. The unpermitted demolition was the subject of a Notice of Violation, issued in August, 2020. Per this review, the already removed garage portion will be viewed as if it were still in place. ZP21-784 requests a permit to demolish the remaining carriage barn. The carriage barn is listed on the State of Vermont Historic Register, and therefore Section 5.4.8 (b), (c) and (d) apply.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There are no identified natural features on site.

(b) Topographical Alterations:

There are no topographical alterations proposed.

(c) Protection of Important Public Views:

There are no protected public views across the site. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, below.

(e) Supporting the Use of Renewable Energy Resources:

Not applicable.

(f) Brownfield Sites:

This is not an identified Brownfield site on Vermont's DEC list. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

Although the site is currently covered by a building, its removal will present an opportunity to address stormwater runoff. As more than 400 sq. ft. will be disturbed, a small project erosion prevention and sediment control planned is required.

(h) Building Location and Orientation:

The carriage barn sits in its original location and orientation; set back from its associated primary structure (duplex fronting North Winooski Street).

(i) Vehicular Access:

No change to vehicular access is included within the submission. The existing driveway will still provide vehicular access to the rear parking area.

(j) Pedestrian Access:

No change is proposed to the existing pedestrian access to the overall parcel.

(k) Accessibility for the Handicapped:

Not applicable.

(l) Parking and Circulation:

Aerial photos as far back as 2004 show the rear parking area as maintaining the same, rough footprint as it exists today. The driveway extends beyond the parking area toward the carriage barn. This section appears to be concrete, and is highlighted as part of the proposed demolition. No change to access is proposed.

(m) Landscaping and Fences:

Other than installation of green space, no further landscaping is proposed.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Not applicable.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

This is an existing accessory structure that could provide substantial benefit to the associated residential units with bicycle and equipment storage, trash and recycling location, or residential storage. The opportunity of having such a storage building is not recognized in the application, with demolition proposed.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The massing, height and scale of the existing building is consistent with its original function. Its removal will eliminate that characteristic site feature.

2. Roofs and Rooflines. Not applicable.

Not applicable.

3. Building Openings

Not applicable.

(b) Protection of Important Architectural Resources: *Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.*
See Section 5.4.8.

(c) Protection of Important Public Views:
There are no protected public views across the site. Not applicable.

(d) Provide an active and inviting street edge:
Removal of the carriage barn will not impact the street edge. The structure is in the rear yard, behind the primary structure, and not easily seen from the street.

(e) Quality of materials:
Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The applicant has submitted an architect's report which asserts that the current state of the carriage barn is non-salvageable.

(f) Reduce energy utilization:
There is no analysis of comparative energy expenditure, particularly energy utilized by heavy equipment to tear down the structure when added to the value of the "embodied energy" of the existing building: the amount of energy invested in its materials and construction. Various studies, including one by the Department of Defense, have examined Btu's of energy lost from demolition, adding the cost of energy to demolish, remove and dispose of debris. The addition of new materials (cost of equipment, delivery and manpower) further elevates that energy expenditure. From "The Benefits of Cultural Resource Conservation", published by the U.S. Department of Defense:

The process of rehabilitating a historic facility consumes less energy than new construction. And, the energy costs of operating a rehabilitated structure vs. a new structure are effectively equal.

(g) Make advertising features complementary to the site:
Not applicable.

(h) Integrate infrastructure into the building design:
See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

At present, the building is vacant. When the garage portion of the structure was removed, it created an unsecure opening to the remaining structure, which remains to this day. As the photographs submitted show, this opening creates an unsafe situation due to failing siding, flooring and roofing in this section. This can create further threat to the remaining building due to vandalism, fire, or ongoing neglect. The applicant is strongly encouraged to close up this opening and secure the flooring and roof.

Sec. 5.4.8 Historic Buildings and Sites

(c) Demolition by Neglect

No owner of a historic building, or lessee who is obligated by lease to maintain and repair such a structure (other than the interior), shall allow, cause, or permit the structure to suffer or experience demolition by neglect. Examples of such disrepair and deterioration include, but are not limited to, the following:

- 1. Deterioration of walls or other vertical supports; walls, partitions or vertical supports that split, lean, list, or buckle, thus jeopardizing structural integrity;*
- 2. Deterioration or inadequate foundations that jeopardize structural integrity;*
- 3. Deterioration of roofs, ceilings, or other horizontal members;*
- 4. Deterioration of fireplaces or chimneys;*
- 5. Deterioration or crumbling exterior stucco or mortar;*
- 6. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;*
- 7. Lack of weather protection that jeopardizes the structural integrity of walls, roofs, plumbing, electricity, or overall structural integrity, including lack of paint, lack of adequate heating, and lack of adequate ventilation;*
- 8. Vandalism caused by lack of reasonable security precautions; and/or*
- 9. Deterioration of any feature so as to create a hazardous condition that could require demolition for public safety.*

In such cases, the building inspector shall notify the property owner of any violation of this section. Such person shall have sixty (60) days to remedy any such violation. In the event the violation is not corrected within sixty (60) days of notification, the city shall be authorized to perform all repairs necessary to correct the violation and to place a lien on the property for the costs of such repairs and reasonable administrative and legal fees incurred.

The Assessor's database shows that the property has been under the same ownership since 1990. Additional records, or lack thereof, indicate that there have been no zoning or building permits sought/issued for any restorative work on the carriage barn.

The submitted architect report, prepared by John Rooney, identifies numerous faults with the remaining structure. In short, the report concludes that the remaining structure is structurally unsound and cannot be rehabilitated or reused on site.

The report does not address the already removed garage portion of the structure. The roof on that section had already collapsed, as evidenced by a 2019 aerial photo. Clearly, the lack of maintenance, or demo by neglect, on the structure caused the roof to fail, and most likely other structural issues. Unfortunately, there have been no photos submitted that show the state of the structure prior to its unpermitted removal.

With regard to the remaining structure, the report identifies numerous structural issues. The structure appears to lean and is in severe disrepair. The southeast corner [where the garage portion attached] shows indication of damage from fire or collapse. Evidence of collapse along the south side exists, and there is indication of fire damage on the roof, roof beams, walls and floor. Roof structural members are undersized and insufficient, and the architect notes that rehabilitation of the structural members will not adequately provide safe and sufficient support. Loose rubble, mixed masonry and stone have been placed for foundation. The walls are bowing due to poor connection to a proper foundation and inadequate structure. The report goes on to identify other insufficiencies with the remaining structure, and that it has limited salvage value.

In this case, the City's building inspector has not been involved at all. However, staff is of the opinion that demolition by neglect played a primary role in the current state of the structure, and of the already removed building section.

(d) Demolition of Historic Buildings:

The purpose of this subsection is:

- . To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- . Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- . To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;

The application includes a single submission of a report from John Rooney relative to the condition and structural stability of the remaining barn. The general conclusion is that the remaining carriage barn appears wholly unstable and structurally unsound, and cannot be rehabilitated or reused on site as part of any economically beneficial use.

The report does not define specific costs or efforts that would be required to restore the remaining barn. Unfortunately, there is no evidence that the property owner made any effort to maintain the structural integrity of the barn since 1990.

B. A statement addressing compliance with each applicable review standard for demolition;

Although briefly, the architect report addresses each demolition standard. See below.

C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:

There is no claim of economic hardship. The application only notes that rehabilitation or reuse of the barn structure will not be economically beneficial to the property. There appears to be no interest in investing any money in the remaining structure, nor did there appear to be interest within the last 30 or so years. Additionally, the submission lacks a feasibility study that addresses rehabilitation or adaptive reuse of the remaining structure.

(i) the estimated market value of the property on which the structure lies, both before and after demolition or removal;

No claim of economic hardship has been raised and an estimate for market value has not been submitted.

and,

(ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;

The owner has expressed no interest in the rehabilitation or reuse of the building.

If the Board favors the removal of the building over rehabilitation, *it should at the very least* be advertised for sale and relocation; an option that would allow its survival.

D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;

The applicant has no intention at this time to redevelop the site. The intention is to remove the barn and replace it with yard space, or additional driveway space. Redevelopment plays a major role in the City's ability to approve demolition of historic structures. Redevelopment in this case would be to replace the existing barn with a similar structure and use that benefits the property as well as the neighborhood as a whole. Replacement of this notable structure with green space (or additional driveway space) is not a satisfactory redevelopment plan that honors the architectural and historic qualities of this or surrounding structures. While open areas are welcome for public enjoyment and use, this area will remain private. By this standard, there is no redevelopment plan; and the proposal has a significant negative effect on the architectural and historical qualities of other structures and the character of the neighborhood around the site.

and,

E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.

Photos of the existing barn and a site plan identify the remaining barn to be removed (and the remnants of the already removed portion) have been submitted. An overall coverage calculation has not been submitted. Since the applicant has no intention of redevelopment, no additional plans have been submitted.

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

The photos submitted show evidence of a deteriorating structure. There are no building or zoning permits on file specifically for repair of the barn. Refer to the report by John Rooney for assessment of structural stability and building conditions, which he determines to be “wholly unstable and structurally unsound.”

or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

Submission materials are absent any evaluation of the building’s suitability for rehabilitation. Evidence of an opportunity for relocation has not been provided.

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition. Additional yard or driveway space will provide no community-wide benefit.

*And **all** of the following:*

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

There is no mitigation of the adverse effect of removing the building within the application. To the contrary; the allowance of demolition here opens the door to further loss of historic buildings within the city.

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington’s architectural history;

If demolition is approved, photodocumentation of the structure should be completed to retain a record of this significant building.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

The applicant proposes an immediate demolition with no redevelopment. No replacement structure is proposed, only lawn or additional driveway space is proposed which will not enhance the architectural character of the immediate area, neighborhood or district.

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

There has been no such deed restriction proffered.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

If approved by the DRB, the applicant is encouraged to offer the building for relocation; absent that, a requirement to deconstruct using the safest method possible, minimizing exposure to lead paint and any other potential public safety issue. What material may be salvaged is encouraged for sale or reuse.